

Defendant.

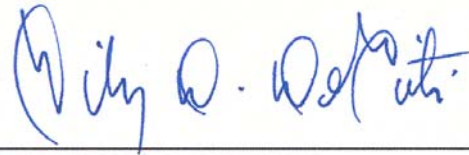
$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

NO. CIV-06-1093-D

Following the submission of the administrative record and the filing of the parties' briefs, the Magistrate Judge filed a September 14, 2007 Report and Recommendation [Doc. No. 16]. Based on his review of the administrative record as well as the parties' arguments and the governing law, the Magistrate Judge recommended that the Commissioner's decision be reversed and the matter remanded for further administrative proceedings. The Magistrate Judge also advised the parties of their right to file objections to the Report and Recommendation, and he scheduled an October 4, 2007 deadline for filing such objections. He also expressly advised the parties that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions set forth in the Report and Recommendation.

The October 4, 2007 deadline has expired, and neither party has filed an objection or sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 16] is ADOPTED as though fully set forth herein. The decision of the Commissioner is REVERSED, and this matter is remanded for further administrative proceedings, as set forth in the Report and Recommendation.

IT IS SO ORDERED this 10<sup>th</sup> day of October, 2007.



---

TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE